

tion to adopt it to the peculiar circumstances of this case. By reference to the terms of Newman's contract, it will be seen that the whole power of contracting for materials has been confided to him; and that the power retained by the governor and council under this contract, consists merely in a general and uncontrolled right of directing him in the discharge of his agency. The object of the resolution can therefore be attained, only by requiring the executive to direct the superintendant to procure all the principal materials, not yet contracted for, in the above manner.

The other branch of this enquiry relates to the appointment of an officer for the preservation of the state's property within the city of Baltimore, and for the collection of the wharfage which may accrue on the wharves attached to the property purchased by her to carry into effect the state system of tobacco inspection. The objects of the executive in creating this officer, the duties assigned to him, and the extent of his compensation, will appear from the executive proceedings herewith submitted, comprising the letter of Mr. Slimmer, the present agent, and the record of his appointment by the executive.

Extract from the record of Executive proceedings, August 7th, 1827:

The following communication was laid before the board, viz.

Baltimore, August 4th, 1827.

The Honourable the Governor and Council
of Maryland,
Gentlemen.

As you have made purchases of considerable property in the city for tobacco inspection warehouses, to which there is attached much more wharf room than you will find necessary for the landing and shipping of tobacco, I have supposed that you would want some person to collect the wharfage for you; and as I have heretofore been honoured by the city with the appointment of harbour master for several years, I conceive myself well qualified to make such collections, and do hereby respectfully solicit the appointment, presuming the compensation will be equivalent to the services required. I will also be glad to attend to the state's property generally, by collecting the rents, and taking care of the materials, while the building or repairing of Dugan's warehouses are progressing, so that the state should sustain no loss by carelessness or depredations.

I am willing to perform each and all of the above named duties for such compensation as I may be able to collect from